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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,148	12/05/2003	Brendan Dermot Murray	TH1516 02 (US)	1341
23632	7590	02/23/2007	EXAMINER	
SHELL OIL COMPANY			VALENROD, YEVGENY	
P O BOX 2463			ART UNIT	
HOUSTON, TX 772522463			PAPER NUMBER	
			1621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/729,148	Applicant(s) MURRAY ET AL.	
	Examiner Yevgeny Valenrod	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-121 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-121 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/06; 3/26/04; 12/05/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

The restriction requirement described in the office action mailed on 10/05/06 is withdrawn in view of applicants' remarks. The claims are hereby examined in their entirety.

Double Patenting

Claims 1-121 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-16 and 29-36 of U.S. Patent No. 6,492,568 ('568). Although the conflicting claims are not identical, they are not patentably distinct from each other because when the cited claims of 6,492,568 are viewed in light of the teaching in the specification the instant invention is taught.

Scope of claims 11-16 and 29-36 of '568.

Claims 11-16 and 29-36 are directed to a method of making a branched alcohol composition wherein the process comprises regenerating the sorbent. Regenerating the sorbent comprises exposing the sorbent to regeneration conditions comprising a quantity of oxygen and temperature effective to regenerate said sorbent.

Ascertaining the difference between claims 11-16 and 29-36 of '568 and the instant claims.

Claims of '568 teach regenerating the solvent under conditions suitable for doing so. However the claims are silent as to the exact temperature ranges,

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duration of regenerating conditions, oxygen content and the source of oxygen atmosphere, effectiveness of sorbent after regeneration, pressure and oxygen flow rate.

Obviousness

Although the details of what exactly regenerating conditions encompass do not appear in the claims, the specification provides the said details in column 5 lines 9-29 and when the claims are view in light of the teachings in the specification the instant invention it taught. In column 5, lines 9-29 the following regeneration conditions are taught:

- Oxygen containing atmosphere including air, oxygen/nitrogen atmosphere, oxygen gas.
- Temperature of 200-550°C, preferably 450-600°C, and cooling to a temperature below 100°C, preferably 25°C.
- No loss of sorbing capacity.
- Duration of regenerating condition from about 0.5hr to about 100hr.

The specification is silent with respect to the flow rate of oxygen and the pressure during the regeneration conditions. The flow rate of oxygen in the instant application is a very broad range .001 – 50 L/hr and the pressure range includes atmospheric pressure. In the absence of proof to the contrary the conditions described in '568 include the said pressure and flow oxygen flow rate.

Conclusion

Claims 1-121 are pending

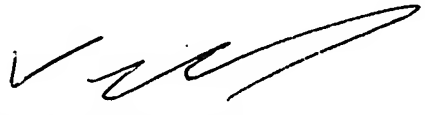
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Claims 1-121 are rejected

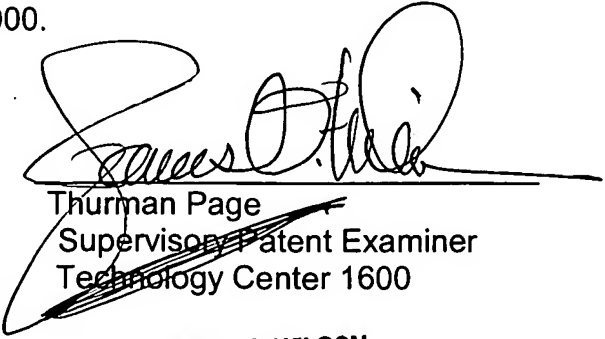
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yevgeny Valenrod whose telephone number is 571-272-9049. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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